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PATENT COOPERATION TREATY

Corrected Copy
MR. Saltzman

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
ROBERT R. JACKSON
C/O FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

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PCT

WRITTEN OPINION

(PCT Rule 66)

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MAR 19 2004

16 MAR 2004

Applicant's or agent's file reference		Date of Mailing (day/month/year)	
CD/001 PCT		16 MAR 2004	
International application No.		within 2 months/days from the above date of mailing	
PCT/US01/09452	International filing date (day/month/year)	REPLY DUE	
23 March 2001 (23.03.2001)	Priority date (day/month/year)	23 March 2000 (23.03.2000)	
International Patent Classification (IPC) or both national classification and IPC			
IPC(7): G06F 17/60 and US Cl.: 705/1			
Applicant			
CODIAL INC.			

DOCKETED FOR May 16, 2004

- This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
- This opinion contains indications relating to the following items:
 - ☒ Basis of the opinion
 - ☐ Priority
 - ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Lack of unity of invention
 - ☒ Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Certain documents cited
 - ☐ Certain defects in the international application
 - ☐ Certain observations on the international application
- The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
- The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 23 July 2002 (23.07.2002).

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	Authorized officer <i>Jim P Trammell</i> Telephone No. 703-305-3900
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Form PCT/IPEA/408 (cover sheet)(July 1998)

Express Mail:

EX 271752165

I. Basis of the opinion

1. With regard to the **elements** of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
pages 1-44, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____
- ☒ the claims:
pages 45-79, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of _____
- ☒ the drawings:
pages 1-17, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINION

International application No.
PCT/US01/09452

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>1-174</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-174</u>	NO
Industrial Applicability (IA)	Claims <u>1-174</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-174 lack an inventive step under PCT Article 33(3) as being obvious over Morrill Jr.. Morrill Jr. teaches a user conducting financial transactions using a wireless device (abstract). Specifically, Morrill Jr. implements his system using transaction codes, PINs, user registration and recording payment information (figures 1-3E; column 1, lines 13-23; column/line 2/13-12/28). Morrill Jr. does not explicitly recite aural communications. However, it would have been obvious to conduct financial transactions such as toll payment or purchasing goods and services by aural means as a user interacts with the Morrill Jr. system using a wireless device such as a cellular phone (abstract).
US 5,991,749 A (MORRILL, Jr) 23 November 2001 , abstract; figures 1-3F; column/line 2/17-12/27

WRITTEN OPINION

International application No.
PCT/US01/09450

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
ROBERT R. JACKSON
C/O FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

PCT

COMMUNICATION IN CASES FOR WHICH
NO OTHER FORM IS APPLICABLE

Date of Mailing (day/month/year) 16 MAR 2004	
Applicant's or agent's file reference CD/001 PCT	REPLY DUE see paragraph 1 below
International application No. PCT/US01/09452	International filing date (day/month/year) 23 March 2001 (23.03.2001)
Applicant CODIAL, INC.	

1. ☐ REPLY DUE within ____ months/days from the above date of mailing
- ☒ NO REPLY DUE

2. COMMUNICATION:

The Written Opinion mailed 22 April 2003 incorrectly indicated an international application number of PCT/US01/09542. It should have instead indicated the international application number PCT/US01/09452. The attached corrected Written Opinion correctly indicated the international application number as PCT/US01/09452. No other changes have been made.

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703)305-3230

Authorized officer

DIANA L OLEKSA

Telephone No. 703-305-2357

PATENT COOPERATION TREATY

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<p>Applicant's or agent's file reference</p> <p>CD/001 PCT</p>		<p>REPLY DUE</p> <p>within 2 months/days from the above date of mailing</p>
<p>International application No.</p> <p>PCT/US01/09452</p>	<p>International filing date (day/month/year)</p> <p>23 March 2001 (23.03.2001)</p>	<p>Priority date (day/month/year)</p> <p>23 March 2000 (23.03.2000)</p>
<p>International Patent Classification (IPC) or both national classification and IPC</p> <p>IPC(7): G06F 17/60 and US Cl.: 705/1</p>		
<p>Applicant</p> <p>CODIAL INC.</p>		

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